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PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 3683**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hendrikus Jan KAPAAN et al.

Group Art Unit: 3683

Application No.: 09/889,932

Examiner: D. Kramer

Filed: September 17, 2001

Docket No.: 110191

For: COMPACT ACTUATOR

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REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 26, 2003 Office Action, and the June 26, 2003 Personal Interview, reconsideration of the above-identified application is respectfully requested.

Claims 1-33 are pending.

Applicants thank Examiner Kramer for the courtesies extended to Applicants' representative during the June 26, 2003 Personal Interview. The points discussed are incorporated into the remarks below and constitute the Applicants' record of the interview.

Applicants acknowledge the indication on page 4, item 7 of the Office Action that claims 4-6, 8-9 and 12-29 recite allowable subject matter.

I. FORMAL MATTERS

On page 2, item 1 of the Office Action, claim 27 is objected for allegedly being cancelled by the July 25, 2001 filed Preliminary Amendment. The inclusion of claim "27" as an amended claim was an inadvertent error. Applicants did not intend to cancel claim 27,

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and no specific amendment was made to do so. Subsequently filed Amendments have consistently reiterated the pendency of claim 27. Applicants respectfully request the withdrawal of the objection.

II. REPLY TO REJECTIONS

On page 2, item 3 of the Office Action, claims 1-3, 7, 10-11, 30 and 33 are rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,931,268 over Kingston et al. (hereinafter "Kingston"). The rejection is respectfully traversed.

As agreed during the interview, Kingston fails to disclose an actuator, with a screw which is rotatably supported relative to the housing, as recited in claim 1.

The alleged screw (a spindle 43) in Kingston is operatively coupled to the motor 42 by a motor output shaft 44 (col. 4, lines 11-12). However, Kingston specifically discloses that "[t]he disc brake assembly 10 includes structural elements to ensure that the spindle 43 does not rotate with the rollers 48, but rather is fixed against rotation, so that the spindle 43 is forced into linear motion by rotation of the rollers 48" (emphasis added), (col. 5, lines 40-43). "The boss 22c of the backing plate is received in one of the recesses 102 of the piston portion 43a of the spindle 43 to positively couple the spindle 43 to the backing plate 22 and prevent rotation of the spindle 43." (col 5, lines 48-52). Therefore, the spindle 43 in Kingston is not rotatably supported.

Consequently, claim 1 is patentably distinguishable from Kingston. Claims 2-3, 7, 10-11, 30 and 33, which depend from claim 1, are likewise patentably distinguishable from Kingston for at least the reasons discussed above, and for the additional features they recited. Withdrawal of the rejection of claims 1-3, 7, 10-11, 30 and 33 is respectfully requested.

On page 3, item 5 of the Office Action, claim 31 is rejected under 35 U.S.C. §103(a) over Kingston in view of U.S. Patent No. 5,293,966 to Chaireire. The rejection is respectfully traversed.

Chareire fails to cure the deficiencies of Kingston discussed above with respect to independent claim 1. Therefore, claim 31 is patentably distinguishable from the combination of Kingston and Chareire on the basis of its dependence from claim 1, and for the additional features it recites. Withdrawal of the rejection of claim 31 is respectfully requested.

On page 4, item 6 of Office Action, claim 32 is rejected under 35 U.S.C. §103(a) over Kingston in view of U.S. Patent No. 6,089,359 to Tanaka. The rejection is respectfully traversed.

Tanaka fails to cure the deficiencies of Kingston discussed above with respect to independent claim 1. Therefore, claim 32 is patentably distinguishable from the combination of Kingston and Tanaka on the basis of its dependence from claim 1, and for the additional features it recites. Withdrawal of the rejection of claim 32 is respectfully requested.

Finally, in reply to an issue discussed during the interview, line 4 of claim 1 recites that one of a nut and a screw is rotatably supported relative to the housing. The claim language does not mean necessarily the nut is rotatable. Subsequent language in the relevant claims clarify that the screw is rotatable. The same applies to claim 7, line 2, and claim 33, line 7.

III. CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:SSK/tbh

Date: June 26, 2003

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